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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,869	07/08/2002	Emst Gerber	753-13 PCT/US	1433
7590	05/20/2004		EXAMINER PATEL, VISHAL A	
Daniel A Scola Jr Hoffmann & Baron 6900 Jericho Turnpike Syosset, NY 11791			ART UNIT 3676	PAPER NUMBER

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/089,869

Applicant(s)

GERBER, ERNST

Examiner

Vishal Patel

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ernst (CH 684938 A5) in view of Kubala (US. 5,617,879).

Ernst discloses in a collect chuck arrangement of a machine tool comprising:

a collect chuck housing (9), a collect chuck (17) inserted in the collect chuck housing, a tensioning nut (10), a tool shank (1a) fitted in and fixedly held by the collect chuck;

a sealing washer (3a) closing the front side of the collect chuck arrangement against coolant leakage, the sealing washer having a circular opening (2) for the tool shank, the opening being wider than the diameter of the tool shank (the opening is wider than the diameter of the tool shank, since the washer goes around the tool shank and is clearly seen in figure 1a that the opening is wider than the diameter of the tool shank 1a) to define a cylindrical surface (cylindrical surface of 2) with an annular groove (groove holding the ring 4) in it, the surface and the groove facing the tool shaft;

an elastic sealing body (4) disposed in the groove and embracing the tool shaft, the groove is deeper than the cross-section of the elastic sealing body such that the sealing body is pressed by coolant against a side wall of the groove;

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the sealing washer is dimensioned such that an open space exists between the opening and the tool shaft through which open space coolant can flow into the groove and build up pressure therein (this is the case due to clearance 14);

the sealing washer is attached to the tensioning nut.

Ernst discloses the invention substantially as claimed above but fails to disclose that the groove is wider than the elastic sealing body. Kubala discloses a sealing arrangement for a tool, the sealing arrangement having a housing (cap 30) having a cylindrical wall having an opening to receive a shank (member 40 received in the opening of the cap 30), the cylindrical wall having a groove (groove holding 89) which is wider and deeper than a cross-section of an elastic sealing body (o-ring 89). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the groove of Ernst to be wider than the cross-section of the elastic sealing body as taught by Kubala, to provide a seal that moves away and toward the shank when needed to reduce the wear of sealing, a seal that has a increasing lifetime (column 2, lines 50-53 of Kubala) and to reduce leakage (column 3, lines 5-10).

Response to Arguments

3. Applicant's arguments filed on 4/23/04 have been considered but are not persuasive.

Applicants' argument that the new limitation "the opening being wider than the diameter of the tool shank to define a cylindrical surface" is not persuasive, since this is disclosed by Ernst.

Applicants' argument that Kubala does not show or describe a gap is not persuasive since Kubala is only used to teach that the groove is wider than the cross-section of the elastic sealing

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body. This reasoning is also true for applicants' argument that Kubala disclose the possibility of leakage through the sliding seat.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., gap, as described on page 8 paragraph 2 in amendment filed on 7/8/02) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (703) 309-3179.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: 703-872-9326, for formal communications for entry before Final action: or,
703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP
May 11, 2004


ALISON PICKARD
Primary Patent Examiner
Tech. Center 3600